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**DATE:** April 22, 2008

**MESSAGE TO:** Commissioner for Patents

**FAX NUMBER:** 571-273-8300

**FROM:** BRENT E. MATTHIAS MILLER, MATTHIAS & HULL

**PHONE:** (312) 977-9902

**PAGES (Including Cover Sheet):** 6

**COMMENTS:**

US Patent Application No.: 10/648,459  
Attorney Docket No.: 29985/01-530  
Title: "Stent Delivery System"

Please see the attached.

Thanks,

Emily Doyle

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Apr. 22. 2008 4:12PM

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No. 4121 P. 2

APR 22 2008



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April 22, 2008

VIA FACSIMILE

Commissioner for Patents  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Patent Application Serial No. 10/648,459  
Inventors: Chien et al.  
Title: Stent Delivery System  
Our Ref.: 29985/01-530

Dear Commissioner:

In response to a courtesy call advising of the possible abandonment of the above-referenced application, enclosed herewith is a copy of our Response to the last communication received from the Office in connection with this application. Also enclosed is the "Electronic Acknowledgement Receipt" for this response. As noted more fully below, our Response was timely filed and addressed the merits of the Office communication, and therefore this application should not be abandoned.

Our Response was filed safely within the initial period for response, and therefore is timely filed. The last communication from the Office was a "Notice of Non-Compliant Amendment" mailed on September 27, 2007 and setting a one month deadline for response. Our Response was filed on October 3, 2007, which is safely within the initial one month period for response.

Additionally, our Response fully addressed the merits of the "Notice of Non-Compliant Amendment." The Notice alleges that our Amendment filed on September 24, 2007 did not comply for allegedly including claims that depended from cancelled claims. Applicants Response, however, notes that claims 2 and 11 are the only claims that have been cancelled from the application, and that none of the currently pending claims depends from either of these two cancelled claims. Accordingly, the "Notice of Non-Compliant Amendment" issued in error and should be withdrawn.

In view of the foregoing, applicants filed a complete and timely response to the "Notice of Non-Compliant Amendment" and therefore this application should not be abandoned. Please do not hesitate to contact me should you wish to further discuss the matter.

Very truly yours,

Brent E. Matthias

Enclosures

Appl. No. 10/648,459  
Reply to Notice of Non-Compliant Amendment of September 27, 2007

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No.: 10/648,459	)	TC/A.U.: 3731
	)	
Applicant: Chien et al.	)	Examiner: Glenn K. Dawson
	)	
Filed: August 26, 2003	)	Att. Docket No.: 29985/01-530
	)	
Title: Stent Delivery System	)	Confirmation No.: 5094
	)	

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR 1.121)**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

This paper is filed in response to the Notice of Non-Compliant Amendment mailed on September 27, 2007. The notice indicates that the Amendment filed on September 24, 2007, does not comply with the patent rules because the claims depend on cancelled claims. However, claims 1, 3-10 and 12-32 do not depend on the only cancelled claims 2 and/or 11 and therefore, Applicant respectfully asserts that the Notice was sent in error and that the Amendment filed on September 24, 2007, should be entered. Reconsideration and entry of the amendment are respectfully requested.

An early action indicating the allowability of this application is respectfully requested. If a telephone call would expedite prosecution of the instant application, the Examiner is invited to call the undersigned attorney. The undersigned verifies that he is authorized to act on behalf of the assignee of the present application.

Apr. 22. 2008 4:13PM

No. 4121 P. 4

Appl. No. 10/648,459  
Reply to Notice of Non-Compliant Amendment of September 27, 2007

Dated: October 3, 2007

Respectfully submitted,

By   
Brent E. Matthias

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